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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,388

12/04/2003

Roger Weinberg

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10/06/2006

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP  
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EXAMINER

LE, HOA T

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,388	<b>Applicant(s)</b> WEINBERG ET AL	
	<b>Examiner</b> H. T. Le	<b>Art Unit</b> 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>June '04 &amp; Nov. '05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-11 and cancellation of non-elected claims 12-27 in the reply filed on June 27, 2005 is acknowledged. Due to the mismatch in serial number of the application in the election, prosecution of this application has been delayed. Such delay is sincerely regretted.

### ***Claim Objections***

2. Claim 3 objected to because of the following informalities: subject-verb disagreement: line 1, "particles includes". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 5, 6, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, it's unclear what "pillow blocks" denotes.

In claim 5, it's unclear what "cycle enhancer" denotes.

In claim 6, "low" in "low density" renders the claim indefinite because there's no basis to ascertain the density range that constitutes "low".

In claim 11, it is unclear what “melt history” denotes.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Trischman et al (US 4,452,928).**

Trischman teaches an additive-coated polyolefin. The polyolefin is in a particulate form especially a bead. See col. 1, lines 54-59 and col. 2, lines 31-35. The polyolefin includes polypropylene (col. 1, lines 59-64). The additives include antioxidants, stabilizers, lubricants, antistatic agents, etc... (col. 2, lines 22-30). Wax, hydrocarbon, and oil are further added to the additive as carrier. See col. 3, lines 5-8 and col. 3, line 67 to col. 4, line 3. The particulate polymer has not been subject to melting, and thus have no “melt history”.

7. **Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Alberts et al (US 4,774,137).**

Alberts teaches additive-coated polymer particles. See col. 1, lines 10-42. The polymer particles include polypropylene, polyamide, polyester, etc. See col. 2, lines 39-49. The additives include carbon black and pigments. See col. 1, lines 43-62. The polymer particles are not subject to melting, and thus have no “melt history”.

**8. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chatterjee '617 (US 4,960,617).**

Chatterjee teaches additive-coated polymer particles. The polymer particles include polypropylene. See col. 2, 39-49. The additives include UV stabilizers, nucleating agents, antioxidants, etc. see col. 3, lines 8-30. Wax is further added to the additives. See col. 2, lines 46-48. The polymer particles are not subject to melting, and thus have no "melt history".

**9. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chatterjee '539 (US 5,300,539).**

Chatterjee teaches additive coated polymer particles. The polymer particles include polypropylene, polystyrene, rubbers, etc. See col. 2, lines 27-49. The additives include UV stabilizers, nucleating agents, antioxidants, etc. see col. 3, lines 1-13. The polymer particles are not subject to melting, and thus have no "melt history".

**10. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nara et al (US 4,915,987).**

Nara teaches additive coated polymer particles. See abstract. The polymer particles include polystyrene, polyethylene, polyamide (i.e. nylon), etc. See col. 5, lines 47-55. The additives include pigments, colorants, magnetic powder, etc. (col. 5, lines 57-67). Wax, oils, fats, etc..

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can be further added to the additives. See col. 14, lines 59-68. The polymer particles are not subject to melting, and thus have no "melt history".

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trischman et al (US 4,452,928), Alberts et al (US 4,774,137), Chatterjee '617 (US 4,960,617), Chatterjee '539 (US 5,300,539) or Nara et al (US 4,915,987) as applied to claims 1-11 above, and further in view of the discussion below.**

The aforementioned references teach the claimed invention as discussed above. The coating thickness as well as the number of coating layers would have been obvious obvious to one of ordinary skill in the art in order to assure a complete coating or through routine experimentation.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 571-272-1511. The examiner can normally be reached on 10:00 a.m. to 6:30 p.m., Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



H. T. Le  
Primary Examiner  
Art Unit 1773

September 24, 2006